THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25066 OF 2005

Dt.24.11.2005

Between:

Shriram Bioseeds Genetics India Ltd.,

Rep. by Dr.Sharad Sharma, Hyderabad

… Petitioner

And

Agricultural Market Committee, rep. by

The Secretary, Tenali, Guntur District and

90 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of respondents.

It is stated that previously the petitioner herein filed W.P.No.5008 of 2005 and this Court disposed of the same on 15.3.2005. But some of the respondents are not there and therefore the respondents herein are again insisting to pay the market fee on the seeds developed and manufactured by the petitioner and sold as certified or labelled seeds, which are not subject to levy of market fee.

The learned counsel for the respondents submits that the foundation seeds, which are sold and used not for the purpose of seeds, are labelled for market fee.

As the subject matter of this writ petition is squarely covered by the order of this Court in W.P.No.5008 of 2005 and batch dated 15.3.2005, following the same writ petition is disposed of with the following directions:

a. Seeds developed and manufactured by the petitioners, and sold as certified or labelled seeds, are not subject to levy of market fee, and the demand notices issued therefor are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

The writ petition is accordingly disposed of. No costs.

_____

(V.ESWARAIAH, J.)

24.11.2005

Note: Issue copy within three days

B.O.

kpr